

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 2005-1511-FH

vs.

RONALD FITZGERALD THOMPSON,
#145823,

Defendant.

OPINION AND ORDER

Defendant, in pro per, appeals to this Court a decision rendered by the Hon. John M. Chmura of the 37th District Court on May 2, 2006. At that time, defendant was sentenced to a term of 365 days incarceration with credit for 34 jail time days.

MCR 7.101(B)(1) provides that an appeal of right must be taken within 21 days after the entry of the order or judgement appealed from. Defendant was sentenced on May 2, 2006; the instant motion is dated June 21, 2006 and was received by the Court June 26, 2006. Defendant submits that shortly after sentencing he filed a notice requesting an appeal, and two other times in June, but received no response. The court record does not reflect any other motions or appeals other than the instant motion. Therefore, defendant is not entitled to an appeal of right.

MCR 7.101(B)(2) provides that when an appeal of right is not available, or the time for taking an appeal of right has passed, the time for filing an application for leave to appeal is governed by MCR 7.103.

MCR 7.103 states that an application for leave to appeal must be filed within 21 days after the entry of the judgment or order appealed from. MCR 7.103(B)(1). Section (2) state the



2005-001511-
FH
00019533337
OPNIMGCC

application must state the grounds for the appeal and describe the proceedings in the [district] court. MCR 7.103(6) provides that an untimely application must be accompanied by an affidavit explaining the delay. It is at the Court's discretion whether to grant or deny leave to appeal after considering the merit of the grounds for the appeal.

Defendant has failed to demonstrate any grounds worthy of granting a leave to appeal. Defendant merely states he believes his current sentence of 365 days is "clearly unjust as to the standing of this case," and the "district court ruling ... is clearly in error." Defendant has failed to describe the district court proceedings such that this Court could consider an appeal. Although defendant stated he pleaded guilty to retail fraud on or about June or July of 2004, he does not state that his instant 2006 sentence is on that charge.

For the above-stated reasons, the Court declines to grant an application for leave to appeal on the grounds that defendant has failed to present a reasonable basis for this Court to consider that there is a meritorious issue to be determined on appeal.

Pursuant to MCR 2.602(A)(3), this case remains CLOSED.

IT IS SO ORDERED.

Dated: July 6, 2006

HON. JAMES M. BIERNAT
CIRCUIT COURT JUDGE

cc: Macomb County Prosecutor
Ronald Fitzgerald Thompson #145823

JAMES M. BIERNAT
CIRCUIT JUDGE

JUL 06 2006

A TRUE COPY
CARMELLA SABAUGH, COUNTY CLERK
BY: Jaime Schett Court Clerk